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United States Department of State

The Sandinista Constitution

August 1987

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"... democracy as they call it, bourgeois democracy, has an element which we can manage and even derive advantage from for the construction of socialism in Nicaragua. What are those advantages, what was it we explained to the party leadership? The main thing about the elections, as far as we are concerned, is the drafting of the new constitution. That is the important thing. The new constitution will allow us to shape the juridical and political principles for the construction of socialism in Nicaragua. We are using an instrument claimed by the bourgeoisie, which disarms the international bourgeoisie, in order to move ahead in matters that for us are strategic."

"We have a discussion pending with your political committee to work on three issues that will come up.... One, the idea of putting an end to all this artifice of pluralism—Socialist, Communist, Social Christian, Social Democratic parties, etc.—which has been useful thus far. That is over."

—Sandinista *Comandante* Bayardo Arce in a then-secret speech before the Socialist Party of Nicaragua, in Managua, May 1984. Printed in its entirety in the newspaper *La Vanguardia* (Barcelona, Spain), July 31, 1984.

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Introduction

The drafting of a new Nicaraguan Constitution in 1986 raised hopes for stable democracy in a nation long accustomed to political strife. Four decades of right-wing dictatorship have been followed by 7 years of left-wing dictatorship of the ruling Sandinista National Liberation Front (FSLN).

According to the Sandinistas, the constitution was to be the result of broad national consultations involving Nicaragua's political parties and civic organizations. Dozens of town meetings were held to record citizens' opinions. The final result was to be a democratic charter, the culmination of a democratic process that began with the 1979 overthrow of the Somoza regime.

The Sandinistas claim that they lived up to their promise. Their opposition disagrees and continues to press for democracy through means ranging from passive resistance to civic protest to armed insurrection.

This study examines two key issues: the constitution's content and the political atmosphere in which it was written. These questions are central to any judgment of the constitution's value as a political charter.

I. THE POLITICAL CONTEXT

Town Meetings: A Controlled Forum

On February 21, 1986 the FSLN introduced the first draft of the proposed constitution in the National Assembly. An assembly committee prepared a special text for use at "open town" meetings (*cabildos abiertos*) that began on May 18.

The FSLN has portrayed the town meetings as a form of "direct democracy" where the people participate in the national decision-making process. National Assembly President and *comandante* Carlos Nunez has compared the town meetings to the "Face the People" program where ordinary citizens ostensibly are given the opportunity to question government officials. In reality, a local FSLN organization, usually the Sandinista Defense Committee (CDS), selects those who attend the town meetings and then joins them in drafting questions. Access to the microphone is controlled by the Sandinista party.

In practice, the town meetings have failed to grapple with fundamental constitutional issues. With a carefully selected audience, they have been little more than support sessions for Sandinista ideology and policies. With the FSLN choosing speakers in advance, the participants deliver revolutionary speeches using language that often follows the FSLN party line.

The town meetings have been criticized by all of the opposition political parties and civic organizations as propaganda sessions where the ground rules were drafted by the FSLN and kept secret prior to the encounters. Even the extreme-left Popular Action Movement-Marxist/Leninist party characterized them as "special, broadened versions of the television programs 'Face the People'; the masses attend without any capacity to decide or control the results of the same."

Tolerance for Opposition?

Because of the FSLN's control of the security and police forces, its media monopoly, and the continuing imposition (since March 1982) of state of emergency restrictions to limit normal political discussion, the Sandinista-controlled town meetings became the only public forum for discussion of the constitution. Efforts of opposition groups and parties (including those participating in the National Assembly) to organize and carry out their own forums were thwarted by the Sandinista government. For example, the Democratic Conservative Party (PCD), the party with the second-highest representation in the National Assembly, attempted to conduct an open meeting on the draft text on January 26, 1986, in the town of Catarina. According to the Sandinista television network, the meeting was "suspended by the Sandinista police for lack of permission." PCD leader and National Assembly delegate Clemente Guido complained: "How are we to explain the changes to be made to the constitution and how are we going to explain the details of the new constitution or what the PCD wants to insert into it if we are not allowed to get in touch with our masses?"

After the Catarina incident, the Ministry of Interior issued a communique permitting opposition parties to meet indoors to discuss the constitution. However, the existing requirement that opposition parties obtain prior approval from the Sandinista authorities for outdoor rallies remained in effect. No such requirement applied to the Sandinista party. The February 5 communique was portrayed as a concession to the opposition, but the opposition parties did not see it as such. Rather, they saw the freedom of assembly as a fundamental right not subject to arbitrary restriction by the party in power.

But the Sandinista action preventing the PCD from conducting its town meeting had already achieved its goal of chilling enthusiasm among the opposition parties, discouraging them and other groups from attempting to hold such sessions.

To lend credibility to their claims of "direct democracy," the FSLN orchestrated 75 town meetings in May and June of 1986. According to Nunez, a total of 75,000 people had participated. He praised the sessions as "a great referendum that had raised the political and economic literacy of the people." Nunez claimed that, as a result of the recommendations received at the town meetings, the draft document would have to undergo substantial revisions. The proposed constitution was re-submitted to the National Assembly for further debate and subsequent approval.

During this 2-month period of extensive town meetings, the Sandinistas' treatment of the political opposition was marked by a series of harsh and intimidating measures:

—Thirty-five Independent Liberal Party (PLI), delegates were arrested in nighttime raids by State Security agents just 2 weeks before the PLI's own National Assembly meetings. PLI membership rolls were confiscated.

—Thousands of independent labor unionists were left stranded and denied transportation to non-Sandinista May Day demonstrations after Sandinista officials commandeered their chartered buses.

—Two independent radio stations were told not to mention the ninth anniversary of the independent Permanent Commission on Human Rights, an organization originally formed to monitor abuses by the Somoza regime but now documents Sandinista abuses.

—Roman Catholic Cardinal Obando y Bravo was denied permission to celebrate open-air mass.

—*La Prensa* was barred (June 5) from printing excerpts of the Social Christian Party's alternative draft constitution.

—Conservative Party delegate to the National Assembly Felix Pedro Espinosa was charged with arson against his own home. Forced from his seat in the assembly, he sought refuge at the Venezuelan Embassy; after weeks of negotiations he left the country under Venezuelan protection and received political asylum.

—*La Prensa* was closed indefinitely (June 26).

—Monsignor Bismarck Carballo, director of the already-closed *Radio Catolica*, was denied reentry to Nicaragua without due process or appeal and despite the fact that forced exile of Nicaraguan citizens is not provided for anywhere in the Penal Code.

The Assembly Debates: The Sandinistas Flex Their Muscle

The Sandinistas control 61 of the 96 seats in the National Assembly, Nicaragua's national legislature. With this majority, the FSLN has the power to pass any law it deems necessary. Assembly President Nunez, in his report on the assembly's work in 1986, described the body as a "revolutionary organ" whose efforts had contributed to the advancement of the revolution.

With the gavel in the hands of a Sandinista *comandante* and the assembly dominated by an FSLN majority, the Sandinistas could control the pace and content of the final National Assembly debates on the new constitution.

But the opposition political parties in the National Assembly decided that the time had come for taking a stand against what they called artificial democracy. In September 1986, before formal debate on the constitutional draft began, five parties—the Democratic Conservative Party (PCD), the Independent Liberal Party (PLI), the Popular Social Christian Party (PPSC), the Socialist Party of Nicaragua (PSN), and the Communist Party of Nicaragua (PCdeN)—overcame their traditional differences and issued a joint statement calling for a 2-month postponement until a dialogue with the FSLN could be held to "generate accords of national consensus" and guarantee "minimum conditions for the debate."

The opposition's goal, according to party leaders, was to protect the participation of all parties, including those not in the National Assembly. The delay also was to allow time for the preparation of a new draft constitution. The five parties with representation threatened to withdraw from the debates if the Sandinistas did not meet these minimum demands.

The Sandinista response was to try to cripple opposition unity. First, the FSLN started separate bilateral talks with each of the parties to create suspicion and distrust among them. This was heightened by the presence of the Moscow-line PCdeN and PSN parties, which shared the FSLN's ideological philosophy.

Second, the Sandinistas harassed opposition leaders. Bayardo Guzman, national vice president of the PLI, was arrested along with a number of party organizers who were active outside of Managua. Guzman was held incommunicado for 14 days but never charged with an offense. The Sandinistas released him amid international protests. The arrests of the PLI's local community organizers were intended to break the back of the party: by intimidating the lesser-known but important mid-level activists, the party leadership would be cut off from its rank and file.

At the same time, both the PLI and the PPSC developed serious rifts within their parties and assembly delegations. At one point, PPSC party leader and assembly delegate Mauricio Diaz led a party walkout from the assembly, leaving a lone dissident member behind. The PLI, which had refused to participate in the constitutional debates, had to return to the assembly in order to avoid an irrevocable split caused by Sandinista enticements aimed at some party members.

"The Fundamental Law that, in this manner has been approved by said majority, is not a product of consensus, reflects basically the interests of one single party, and will be born interdicted by the state of emergency. Its contribution to the search for peace will be irrelevant."

Through pressure, intimidation, and cosmetic concessions, the Sandinistas were able to coerce the return of the opposition parties. They released members of several parties who had been held as political prisoners and promised not to interfere in the parties' internal affairs. Allegations of Sandinista bribery, blackmail, and gift-giving (*e.g.*, cars) were widely discussed in opposition circles. Most importantly, the Sandinistas accepted some changes suggested by the parties (such as the PPSC-sponsored provisions on environmental protection) while not yielding on fundamental political issues.

While FSLN pressure got many opposition members to sign the constitution, some groups remained firm in their condemnation. The PLI announced at the conclusion of the debates, that its representatives would not sign the document because:

> "During the legislative debates, the official party [FSLN], taking advantage of the automatic majority that it enjoys in that forum, systematically refused to listen to the demands of the PLI and of the opposition in general, preventing in that way the opening of spaces to promote an understanding among the political forces of the nation;
>
> "The Fundamental Law that, in this manner has been approved by said majority, is not a product of consensus, reflects basically the interests of one single party, and will be born interdicted by the state of emergency. Its contribution to the search for peace will be irrelevant."

Despite such protests, and with the opposition parties divided and intimidated, the Sandinistas concluded the debate in November 1986 and announced that the new constitution would be signed into law on January 9, 1987.

Democratic Opposition Rejects the Sandinista Constitution

As the Sandinista government prepared a ceremony to promulgate its constitution, a wide range of civic and political opposition groups— representing independent labor unions, political parties not represented in the National Assembly, independent business organizations, workers at the closed independent daily *La Prensa*, and many ordinary citizens—made clear their opposition to the constitution.

On January 3, 1987, the opposition PLI party, which had publicly indicated its intention not to sign the constitution, announced that the party's executive committee had temporarily suspended five members who, under Sandinista pressure, had signed the document.

Much of the democratic opposition publicly repudiated the constitution, in violation of emergency restrictions. On January 7, 1987, the Democratic Coordinator (*Coordinadora*), an umbrella organization of opposition unions, parties, and professional groups, staged a noisy parade through the streets of Masaya's historic Monimbo

barrio, the site of a bloody 1978 anti-Somoza uprising. Some 500 demonstrators, many of them residents of the largely Indian neighborhood, carried banners and placards calling for the Sandinistas to "Let *La Prensa* Out" and urging "Down with the Sandinista Dictatorship." The protest began with a mass at the Magdalena Church and culminated at a memorial for slain *La Prensa* editor Pedro Joaquin Chamorro.

On January 9, 1987, in spite of a prohibition by Sandinista police, 1,800 Nicaraguans, mainly *campesinos*, responded to a call by the Democratic Coordinator and went into the streets of Managua following a mass at the Las Palmas Church. According to foreign press accounts, Sandinista State Security officials confiscated thousands of placards prior to the march and arrested the owner of a print shop. Despite warnings by the security police, the march grew into a spirited demonstration.

People chanted "democracy yes, communism no" and "we do not want weapons, we want food." Signs and placards proclaimed "A constitution without liberty is not a constitution," "What do the people ask for—Liberty and Justice," "A constitution for the People—not for a Party," and "Without Censorship the Dictatorship is Finished." The demonstration came to an end at the tomb of an assassinated independent labor union official.

On January 10, two demonstrations were held to commemorate the anniversary of the killing of Pedro Joaquin Chamorro. Though not specifically aimed at the new constitution, the opposition leaders who organized the marches said that they were the beginning of "people's protests against the Sandinista regime and for public rights." Press reports indicated that 1,500 persons participated in one demonstration and over 5,000 in the other.

Sandinista concern over the growing protests became evident when, on January 14, State Security officials detained and interrogated six youth leaders of the Social Christian Party (PSC). The youths were interrogated about the identity of the march organizers, march instructions given by the party leaders, and the source of the paint and loudspeakers used during the demonstrations.

On January 22, Sandinista police forcibly blocked an attempted march by some 300 PSC members, later arresting and interrogating six party officials, including PSC President Erick Ramirez. In the course of their detention, three of the PSC officials were beaten, and a female PSC leader was strip-searched. The arrest and beating of Ramirez took place only hours after he had met with a U.S. Congressional Delegation.

II. THE FINISHED PRODUCT: FREEDOMS GRANTED, FREEDOMS DENIED

Three Hours of Freedom on Constitution Day: The State of Emergency

On paper, the Sandinista Constitution includes most of the civil liberties found in democratic constitutions. The list of rights and duties is almost 70 articles long, including the right to life (Article 23), the right to personal freedom (Article 25), and the right to free expression (Article 30). But the length of the list bears no relation to the rights actually enjoyed by the Nicaraguan people. While writing a constitution that is democratic in appearance, the Sandinistas carefully reserved the powers they need to stop Nicaraguan democrats from threatening their monopoly on power.

Within hours of the new constitution's signing, Sandinista *comandante* and President Daniel Ortega, invoking the powers granted him under the new charter, decreed a new state of emergency, once again suspending the civil rights and liberties of the Nicaraguan people. A number of constitutional guarantees were denied, chief among them:

- Right to assemble
- Right to strike
- Right to travel and residency
- Right to habeas corpus
- Right to a speedy trial by a competent court
- Freedom of expression
- Right to privacy and the inviolability of home, correspondence, and communication
- Right of the accused to be informed of the charges levelled against them
- Protections against secret arrest and arrest without warrant
- Protections against arrest without charges, trial, or sentencing

In his speech at the signing ceremony, Comandante Ortega sought to justify the state of emergency by claiming that it had been "obligated by the external enemy," meaning U.S. support for the Nicaraguan armed resistance. Opposition leaders, noting repeated Sandinista claims that the resistance had been "strategically defeated," instead linked the suspension of rights to Sandinista fears of growing discontent.

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In January 1987, four opposition parties—including two that share the Sandinistas' Marxist-Leninist philosophy—challenged President Ortega's authority to invoke the state of emergency. But with Sandinista control of the judiciary under the new constitution, there was little chance that such a challenge could succeed.

One measure of the effect of the state of emergency is that between 8,000 and 10,000 political prisoners—out of a population of about 3 million—are now in Sandinista jails, according to Nicaragua's Permanent Commission on Human Rights.

Individual Rights and Civil Liberties

Even in the absence of a state of emergency, the individual rights and civil liberties provided for in the Sandinista Constitution are so narrowly defined and limited as to often make them inapplicable in practice. For example:

- Article 24 provides that the "rights of each person are limited by the rights of others, **the collective security and the just requirements of the common good**" [emphasis added]. This provision permits

the Sandinistas to define as they please the limits of freedom. For example, the closure of *La Prensa* is routinely justified on national security grounds, even though it had printed nothing that had not been read and approved in advance by Sandinista censors.

- Article 44 provides: "Nicaraguans have the right to **personal property and necessary goods that are essential for the integral development of each person**" [emphasis added]. Under Sandinista interpretation, this represents a severe limitation on the acquisition and use of private property. (The other four forms of property "protected" by the constitution represent various forms of collective ownership).

- Article 49 grants all Nicaraguans the right to form organizations to realize their aspirations as they "participate in the **construction of a new society**" [emphasis added]. This clause, coupled with the Assembly's power to grant and cancel the legal status of civil or religious organizations (Article 138), allows the Sandinista regime to continue its practice of denying or revoking legal recognition to any political, labor, social, or religious group that it has determined is not contributing to the "construction of a new society," as they choose to define it. The Sandinistas' propensity to do this is demonstrated by the April 10, 1986, declaration by the Ministry of Justice that COPROSA, the Catholic Church's Archdiocese Commission for Social Promotion, is an illegal entity and all its activities (charity and development efforts) are illicit. It is still closed.

- While Article 52 grants Nicaraguans the right to petition the government, that right is limited to "constructive criticisms." It is unlikely that criticisms that challenge Sandinista hegemony will be characterized as "constructive."

- Article 66 provides that "Nicaraguans have the right to **accurate information**" [emphasis added]. With the FSLN determining what "accurate information" is, this provision deals a critical blow to freedom of the press in Nicaragua. In practice, the FSLN's Department of Agitation and Propaganda, operating in conjunction with the Ministry of Interior's Censorship Department, regulates communications media through direct editorial control or prior censorship of non-state media.

- Article 67 provides that the "right to provide information is a **social responsibility and shall be exercised with strict respect** for the principles established in the constitution" [emphasis added]. Read in tandem with the above, this provision strengthens Sandinista powers to silence opponents by declaring that a non-FSLN newspaper or radio station has not acted in a "socially responsible" manner in "strict respect" for constitutional principles. The publicly stated rationale for the closure of *Radio Catolica*, the suppression of independent labor union newsletters, and the closure of *La Prensa* provide a clear guide to how the Sandinistas might apply this article in the future.

- Article 80 declares that "work is a right and a **social responsibility**" and that the "**labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual**. . . ." [emphasis added]. In classic Marxist-Leninist language, this provision subordinates the labor of the individual to the needs of the state. It leaves the Sandinista government free to decide what "work" is permissible and, even more important, grants the FSLN the power to declare any "labor" or economic activity unlawful.

In other instances, the plain language of the constitution invites abuse of power. For example, Article 26 provides for the search of a private home in order to "prevent a crime from being committed." Such a provision is subject to abuse as it authorizes search and seizure **in anticipation** of the commission of any criminal offense.

The constitution, in other instances protects rights that the government openly violates. Article 31 grants Nicaraguans the right to travel and to "freely enter and exit the country," but Sandinista policy requiring an exit visa to leave the country restricts this right and can be used for political purposes. Opposition political and labor leaders, for example, have been denied visas, preventing them from attending international conferences where they would have had a free, uncensored platform.

The exile of Monsignor Carballo and Bishop Pablo Antonio Vega without due process, without legal charges, and without the opportunity to defense contravene both the letter and spirit of the law.

Although respect for prisoners' human dignity and the prohibition of torture cannot be suspended under a state of emergency, the Sandinista government routinely violates these provisions, particularly in the case of the thousands of political prisoners in State Security prisons and jails.

Article 36 ensures to all persons "the right to respect for their physical, psychological, and moral integrity" and prohibits torture. Although violation of this article is considered to be a crime, the use of torture by the Sandinista regime has been documented.

Party, State, and Ideology

A hallmark of totalitarian government is the merging of the ruling party with the state. After the 1979 triumph over the Somoza dictatorship, Nicaraguan democrats began to fear the imposition of a new dictatorship when the Sandinista party took control over more and more institutions.

Nicaraguans today are seeing their sons drafted into the Sandinista Popular Army. They are pressured to join the Sandinista labor federation and other mass organizations. The newspapers they read are directed by the Sandinista party's Department of Agitation and Propaganda. Their television network carries the party's name. Sandinista Police patrol their neighborhoods, and party block committees—Sandinista Defense Committees—watch citizens' movements and dispense government favors. To Nicaraguan democrats, the separation of the ruling party from the state is essential for a truly democratic opening.

The constitution does nothing to separate the Sandinista party from the state. The party exercises unchecked authority to set policy in economic, social, and educational matters. Its control of the military and security forces is absolute. Its domination of all branches of the government further allows it to enact laws that serve to consolidate its own power or drastically restrict the liberties of those who challenge Sandinista authority.

Sandinista party control of the state and the concealment of this domination in the early stages of rule have strong parallels in the political development of the Soviet Union and Cuba.

The Communist Party of the Soviet Union was not explicitly recognized as a "monopoly" political party in the Soviet Constitution until 1936, two decades after the 1917 Bolshevik Revolution. The current Soviet Constitution clearly details the vanguard role of the Communist Party:

> "The leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations, is the Communist Party of the Soviet Union. The CPSU exists for the people and serves the people.
>
> "The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of the home and foreign policy of the USSR, directs the great constructive work of the Soviet people, and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism.
>
> "All party organizations shall function within the framework of the Constitution of the USSR." [Article 6, Constitution of the USSR, 1977]

In the case of Cuba, it was 17 years after the 1959 revolution before the dominant role of Castro's reconstituted Communist Party was made explicit:

> "The Communist Party of Cuba, the organized Marxist-Leninist vanguard of the working class, is the highest leading force of the society and of the state, which organizes and guides the common effort toward the goals of the construction of socialism and the progress toward a communist society." [Article 5, Constitution of the Republic of Cuba, 1976]

In both of these cases, the predominant influence exerted by these vanguard parties was evident long before the legal recognition of the fact. What had been required first was their complete consolidation of power following extended periods of "transition to socialism."

Because the Sandinistas are still in the midst of their "revolutionary transformation of society" in pursuit of a "New Nicaragua," they view the constitution as a document of transition. It is recognized by the Sandinistas as an instrument to be employed to further the consolidation of their control to the exclusion of all other influences. While the present Soviet and Cuban charters openly codify party control over the government, the Sandinista Constitution—reflecting a less mature stage of political development—is less direct. Its preamble venerates the memory of Carlos Fonseca, "founder of the Sandinista National Liberation Front and Leader of the Revolution" (the only party so honored), while the text itself ensures that no legal

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mechanisms impede the continued FSLN usurpation of governmental authority. As the Cuban and Soviet cases demonstrate, uncontested domination of the state and civil society by the vanguard party—through "legal" means—will be present first; explicit constitutional enshrinement of the vanguard will follow.

At the first national Sandinista party meeting following the revolutionary victory (the report of which is known as the "72-Hour Document"), the leadership defined the basis of Sandinista foreign policy as "the full exercise of national sovereignty and independence and the principle of **revolutionary internationalism**" [emphasis added]. "The objective of the FSLN's foreign policy is to achieve the consolidation of the Nicaraguan revolution as this will help to strengthen the Central American, Latin American, and world revolution," it said. Following this, the Sandinista Constitution defines Nicaraguan foreign policy in the same terms. Article 3 of the Sandinista Constitution places Nicaragua "in solidarity with all those who struggle against oppression and discrimination" and against "all forms of colonialist and imperialist domination and exploitation." (The Soviet and Cuban Constitutions condemn "imperialism" and "colonialism" and similarly commit their governments to support those engaged in "wars of national liberation.") The Sandinista charter proclaims this "struggle" an "unrenounceable national commitment," while the Cuban and Soviet documents refer to the effort as an "internationalist right and duty" (Article 12, Constitution of the Republic of Cuba, 1976) and the "strengthening of broad international cooperation through comradely mutual assistance with other socialist countries on the basis of the principles of socialist internationalism" (Chapter 4, Articles 28–30, Constitution of the USSR, 1977). The terms "colonialism" and "imperialism" are often used by the Soviets as synonyms for the United States and its allies. "Those who struggle" and those in "wars of national liberation" are terms for the Soviet Union, Cuba, and their allies.

The Revolutionary Power Structure

The constitution establishes four branches of government: legislative, executive, judicial, and electoral. While these four branches are theoretically independent with distinct authority, the reality is different. The executive branch controls and dominates the other three. Ministries and state enterprises are directed by Sandinista *comandantes* and other high-ranking FSLN officials, many of whom also serve as Sandinista delegates in the National Assembly. Given the firm Sandinista grip over the executive branch and the failure of the constitution to provide adequate checks and balances among the branches of government, the constitution effectively confirms the power of the the FSLN's governing National Directorate.

This structure and the care taken by the Sandinistas to create the appearance of democracy demonstrate faithfulness to two principles of the "72-Hour Document," which called for "pragmatism" in political matters and the need to "lay the foundation of a system of power that will not endanger the stability of our revolution." Indeed, the real sources of authority in Nicaragua are not those branches set up by the constitution. It is the National Directorate and its three subordinate "commissions"—executive, military, and governmental—set up within the ruling circles of the FSLN that direct national policy. These commissions are part of the FSLN party and are not formally within the government structure, although most of the individuals involved also

occupy one or more governmental positions. While the decision-making process within these FSLN committees is rarely discussed in public, membership on the committees is known.

National Directorate:

Bayardo Arce Castano
Tomas Borge Martinez
Luis Carrion Cruz
Carlos Nunez Tellez
Daniel Ortega Saavedra
Humberto Ortega Saavedra
Henry Ruiz Hernandez
Victor Tirado Lopez
Jaime Wheelock Roman

Executive Commission:

Daniel Ortega Saavedra (Coordinator)
Bayardo Arce Castano (Vice Coordinator)
Tomas Borge Martinez
Humberto Ortega Saavedra
Jaime Wheelock Roman

Defense and Security Commission:

Tomas Borge Martinez
Omar Cabezas Lacayo
Luis Carrion Cruz
Lenin Cerna Juarez
Joaquin Cuadra Lacayo
Renan Montero
Humberto Ortega Saavedra
Julio Ramos Arguello
Hugo Torres Jimenez
Rene Vivas Lugo

National Planning Council:

Daniel Ortega Saavedra (Chairman)
Emilio Baltodano Cantarero
Joaquin Cuadra Chamorro
Sergio Ramirez Mercado
Henry Ruiz Hernandez
Jaime Wheelock Roman

The Revolutionary Government Structure

Executive: Article 150 gives the president broad and sweeping powers that, in practice, ensure Sandinista dominance of the government. The president's authority is virtually absolute in matters regarding the military, national security, the economy, education, and domestic and foreign commerce. Among other powers, the president has authority to:

- Prepare the national budget for the National Assembly's review or approval (but apparently not for its amendment);
- Decree a national state of emergency suspending important civil liberties during which he can both prepare and approve the national budget;
- "Enact executive decrees with the force of law in fiscal and administrative matters" as well as "adopt regulations to give effect to the laws"; and,
- Assume legislative powers when the National Assembly is in recess.

Legislative: Under the new constitution, the legislature is subordinate to the executive. Article 138, which sets out the functions of the Assembly, clearly indicates its limitations and inability to act as a check on executive power. The scope of legislative authority pales in comparison to that of the executive. Among other powers, the assembly:

- "Approves" the national budget, but apparently is without authority to amend it and is limited to only "reviewing" it during a state of emergency;
- Shares its lawmaking authority with the executive, whose power to issue decrees apparently is as broad as the assembly's to enact legislation and whose decrees carry equal legal authority;
- Delegates legislative faculties to the President of the Republic when the National Assembly is in recess, except for matters relating to the Codes of the Republic;
- Is empowered to "consider the nation's economic and social development plan and policies" as set by the president, but nowhere is the assembly granted the power to amend or change the policies established by the President; and,
- Grants and cancels the legal status of civic or religious entities.

Judicial: The contribution made by a truly independent judiciary to the effective mediation of the exercise of power is important in any society. The shortcomings of the Sandinista Constitution in this regard are so significant that they merit quoting at length from a general discussion on the fundamentals of constitutions:

> "A written constitution is genuine only if it can be enforced. . . .If the only persons empowered to enforce the constitution are the state and its officers then the constitution provides no genuine limitation of their actions. It may describe their **procedure**, but it cannot prescribe for it. In which case it would seem wrong to say that there **is** a genuine constitution. Such reflections naturally prompt the thought that, without judicial independence, a constitution, even if written, remains a kind of fiction. Thus the USSR constitution, which is a document specifying many of the rights of citizens, can be upheld in a court of law. But if the state has an interest in the outcome, then, it seems, the judge acts under instructions from the state, and there is no genuine adjudication. In which case the constitution can provide no guarantee of the ordinary citizen's rights, even if it purports to prescribe them." [Robert Scruton, *A Dictionary of Political Thought* (New York: Hill and Wang, 1982), p. 93]

Although the Sandinistas did not fully define what type of court system they eventually intend to establish, there are signs that they envision a revolutionary system patterned on the abusive "popular tribunal" structure of the Anti-Somocista People's Tribunals (TPAs). It is to these political courts—controlled by the FSLN—that "public order" and "counterrevolutionary" offenses (political prisoner cases) are referred. Also, the Common Courts may one day be dissolved altogether. Article 199 asserts that they will continue to function "until a system with popular representation is established."

The opening clause of the first section on the judiciary (Article 158) declares that "**justice emanates from the people** and shall be carried out in their name as their proxy by the Judicial Branch. . . ." Article 166 provides that the "administration of justice shall be organized and shall function with **popular participation** as determined by the law" and authorizes the appointment of non-lawyer judges who shall "have equal authority in the exercise of their legal functions" [emphasis added]. While these provisions are not objectionable on their face, they are potential tools for political abuse.

The Sandinista party, as the vanguard party, has arrogated power to determine the "popular participation" of the people and to express the will of the people. The right to trial by jury is not guaranteed. Therefore, a court system based on the popular tribunal model would mean a thoroughly politicized judicial branch accountable only to the FSLN. Under the existing structure, all members of the tribunals are loyal Sandinista followers or actual party members. They are selected strictly on the basis of ideological faithfulness. Tribunal proceedings are secret. The trial-level tribunals have a conviction rate of over 90 percent, and the appellate tribunals have been known to increase the sentence of those defendants who exercise their right of appeal.

. . . the Sandinistas can sidestep the Supreme Court by bringing cases to the tribunals. Falling completely outside of the governmental system, their verdicts may not be appealed to the Supreme Court.

The constitution does establish a seven-judge Supreme Court whose members must be elected by the National Assembly from slates of three candidates proposed by the president. Given Sandinista control of the presidency and the National Assembly, the opportunity for abuse in the judicial selection process is manifest. The Supreme Court judges appoint the lower court judges (Articles 164 and 166). The Supreme Court judges, however, do not serve for life and may be dismissed before the end of their 6-year terms for "reasons determined by law" (Article 162), leaving them vulnerable to political pressure from the Sandinista party.

Although the Supreme Court is given responsibilities to "review and decide" appeals and to "review and rule on remedies regarding violations of rights or the unconstitutionality of the law, . . . the Sandinistas can sidestep the Supreme Court by

bringing cases to the tribunals. Falling completely outside of the governmental system, their verdicts may not be appealed to the Supreme Court. This situation is further confused by the fact that the constitution vests the National Assembly—not the courts—with authority to "officially interpret the law" [Article 138]. The net result of this judicial arrangement is clear: the ability of State Security to convict opponents of the regime without respect for the due process rights provided elsewhere in the constitution (even in the absence of a state of emergency) continues unimpeded under the new legal order.

Electoral: The constitution creates a fourth branch of government to organize, manage, and oversee elections (Article 168). This branch is represented by the Supreme Electoral Council, which is composed of five judges elected by the National Assembly from slates of three candidates proposed by the president (Articles 169 and 170). Its functions are to organize and conduct all elections, plebiscites, and referendums; to appoint members of other electoral bodies; to establish the calendar for elections; to arbitrate disputes presented by the political parties; to oversee ballot security; to verify the authenticity of ballots; and to present the final declaration of results (Article 173).

Such a fourth branch of government is not an uncommon feature of Latin American constitutions, where it is intended to guard against the stacking of the electoral deck in favor of any one party or interest. But as with judicial selection under the Sandinista Constitution, electoral commissioners are nominated by the president and elected by the National Assembly. While the actual procedures for the electoral branch are not on their face anti-democratic, sufficient checks and balances do not exist to prevent Sandinista party electoral abuse.

Given this institutional control, the right of citizens "to elect and be elected in periodic elections, and to vie for public office" (Article 51) will have no effect beyond what the Sandinistas determine. On the one hand, the Sandinistas have enacted a constitution promising that national power can change hands through the ballot box; on the other hand, they have created an electoral institution that provides no restraint on the accumulation of power by the party which has asserted "(W)e are an organization whose greatest aspiration is to maintain revolutionary power."

National Defense and Defense of the Revolution

Control of the military and security forces is the key to Sandinista control of Nicaragua. Opposition organizations of every political and civic ideology have sought to lessen the grip of the FSLN over the armed services of the country, but to no avail. The reason for Sandinista intransigence on this issue is clear: Control of the thoroughly politicized armed forces allows the FSLN to militarize Nicaraguan society in order to defend the ideological advancement of "Sandinismo" without fear of an internal political/military threat. As the Sandinistas declared in the "72-Hour Document":

> "The triumph of our revolution makes it possible for the Sandinista Popular Army to be recognized as the Constitutional Army of the Republic. For the same reason, it is the mission of the FSLN to assure the loyalty of its members to the revolution and the leadership of the historic vanguard: the FSLN."

The Sandinistas boasted of "a partisan army without precedent." In September 1979, the Sandinistas dedicated themselves to "a permanent effort of political education within the armed forces" while noting that it is "the FSLN's vanguard structure which would guarantee the transmission and application of our organization's policies and would assure the political activity of our militants in the army." More specifically, "the FSLN exerts its influence and its political leadership through the directive committees and internal groups of [party] militants within the armed forces." To carry out this effort, the Sandinista leaders mandated that the National Directorate of the FSLN, "through the military committee, assures the political education policy through the military chain of command and will be the organization in charge of the FSLN party structure within the Sandinista Popular Army."

Once in the military, Nicaraguans are subject to intensive politicization. Under the current structure, high-ranking officers are assigned throughout the various branches and units as political commissars to provide necessary indoctrination to the troops.

To swell the ranks of those in the Sandinista Popular Army, the current conscription program—"the Patriotic Military Service"—is given constitutional sanction in Article 96. There are reports of

widespread opposition and resentment to the draft, which is often viewed as forced recruitment into a political party. Article 69, which relates to the freedom of religion, stipulates that "no one may disobey the law" on religious grounds and forecloses any claim of conscientious objection to the draft. Furthermore, this clause makes clear the Sandinistas' prohibition of religious/ethical-based civil disobedience by prohibiting persons from trying to "prevent" others—draftees, in effect—from "exercising their rights and fulfilling their duties by invoking religious beliefs or inclination." This provision appears to be aimed specifically at the Catholic Church. The Sandinistas said they expelled Bishop Vega for having "preached" against the draft (as had the entire Episcopal Conference of Nicaraguan Bishops).

It is clear that the National Assembly debate over whether the army should continue to be called the "Sandinista Popular Army" (Article 95)—even as the FSLN exerts copyright control over the word "Sandinista" (Decree 67, issued September 20, 1979)—missed the larger point: the Sandinistas seem intent upon the militarization of society as a primary tool for their own consolidation of power. Neither changing the name of the army nor stipulating that the army "has a national character" (Article 95) will change that reality.

The first Article of the constitution asserts an **obligation** (not right) to bear arms. This militarization is further codified in Article 94: "The defense of the Homeland and the Revolution rests on **the mobilization and organized participation of all the people** in the struggle against their aggressors. The state shall promote **mass incorporation of the people** into the various structures and tasks of the country's defense" (emphasis added). A direct consequence of such a strategy is the blurring by the Sandinistas of the normal distinction between civilians and military personnel. This is an especially important distinction to maintain in the midst of a guerrilla-based civil war, but it is exceedingly difficult to do so when society has been so militarized that even farm collectives are armed and serve as military resupply depots.

Article 97 says that "(T)he struggle against externally promoted actions to undermine the revolutionary order established by the Nicaraguan people **and the confrontation with criminal and anti-social actions are integral to the defense of the revolution**. The State creates the internal security forces, whose functions are determined by law" [emphasis added]. The lack of any definition of subversion or anti-social actions leaves the state with virtually unchecked security powers. This vagueness, similar to "anti-hooliganism" language in the Soviet system, allows political dissent to be treated as a threat to internal security. This article could be used to justify actions against neighboring countries that are critical of the regime or that support, in any form, Sandinista opponents, or against any person or group that opposes the state. In addition, this article's inclusion of the partisan fight against "internal enemies" as a mandatory part of a military draftee's obligation is a clear violation of the spirit, if not the letter, of the American Convention of Human Rights, the Universal Declaration of Human Rights, and the American Declaration of the Rights and Duties of Man, human rights treatises the Sandinistas have vowed publicly and constitutionally to uphold.

Education

The Sandinista desire to shape generations of "New Nicaraguans" could not be clearer. After noting that "education is fundamental to the transformation and development of the individual and society" (Article 116) and that it is to "cultivate the values of the New Nicaragua" (Article 117), education is defined in the constitution as "an irrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with national plans" (Article 119). While private education centers may continue to exist, severe restrictions are placed on their operations. Although "academic freedom is recognized" (Article 125), in practice lesson plans taught even in private schools are dictated by the state. In addition, the requirement that basic education be free (Article 121) could be used to undermine religious schools, which charge tuition, effectively barring them from existence.

National Economy and Agrarian Reform

The Sandinista Constitution tracks closely with the dictates of the "72-Hour Document" in the economic and agricultural spheres. The 1979 guidelines called for designating the "State Sector the focus of the national economy," "comprehensive national planning" of the economy, the nationalization of

banks, centralization and control of imports and exports, the creation of the Ministry of Foreign Commerce to control trade matters, agrarian reform, and expropriation of "Somocista" property.

In Article 98, the constitution defines the principal function of the state in the economy, including the power to "create a more just distribution of wealth." Article 99 provides that "the state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress." The state's "irrevocable responsibilities"—or monopoly—in the fields of banking, finance, insurance, and foreign trade are codified in this article.

Article 103, while guaranteeing the coexistence of public, private, cooperative, associative, and communal forms of property, reaffirms the limited definition of private property found in Article 44 by providing that "all these form parts of the mixed economy, are subject to the overriding interests of the nation, and fulfill a social function." These vague principles, left to the interpretation and implementation of the government, could provide a sufficient basis for the continued confiscation of private property, as well as the continued repression of those still allowed to maintain ownership of their property.

Article 105 gives the state the authority to regulate the supply and distribution of basic consumer goods. It effectively codifies the party-controlled ration card system for obtaining basic goods and foodstuffs. Administered by the Sandinista Defense Committees, the rationing program has been used as a political weapon against opposition political, religious, labor, social, and civic groups.

A special target of Sandinista economic centralization has been agriculture. By the early fall of 1979, the Sandinistas spoke of having already expropriated over tens of thousands of acres of "the finest farmland of the country," turning the lands over to the Agrarian Reform Institute. Since then, agrarian reform laws have been used to harass and punish Sandinista opponent, and to increase the state agricultural sector. The constitution identifies agrarian reform not only as "the fundamental instrument for achieving a just distribution of the land," but also as "an effective means for the revolutionary transformation" of Nicaragua (Article 106). Land ownership is guaranteed for those who "productively and efficiently" work the land (Article 108). Undoubtedly, productivity determinations are to be made by the Agrarian Reform Institute. Furthermore, under Articles 109 and 110, the state is tasked to promote the association of peasants in agricultural cooperatives and the incorporation of small and medium agricultural producers into the development plans of the country—in essence forced collectivization. Thus, while private property continues to exist as a concept, in effect it has been severely limited. The state sets wages, salaries, prices; determines markets, terms of sale, and distribution; and strictly controls ownership and foreign trade.

APPENDIX A

(Copy of the Sandinista Costitution Provided by the Embassy of Nicaragua)

NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA

POLITICAL CONSTITUTION

MANAGUA, NICARAGUA

JANUARY 9, 1987

THE PRESIDENT OF THE REPUBLIC

hereby makes known to the people of Nicaragua that the Constituent National Assembly after consulting with the people, has discussed and approved the following Political Constitution:

PREAMBLE

WE,

The Representatives of the People of Nicaragua, united in the Constituent National Assembly,

INVOKE

The struggles of our indian ancestors;

The spirit of Central American unity and the heroic tradition of our people who, inspired by the exemplary actions of General JOSE DOLORES ESTRADA, ANDRES CASTRO and ENMANUEL MONGALO, destroyed the dominion of the filibusters and the United States intervention in the National War;

BENJAMIN ZELEDON'S anti-interventionist deeds;

AUGUSTO C. SANDINO, General of Free People and Father of the Popular and Anti-imperialist Revolution;

The heroic action of RIGOBERTO LOPEZ PEREZ, who initiated the beginning of the end of the dictatorship;

The example of CARLOS FONSECA, the greatest perpetuator of Sandino's legacy, founder of the Sandinista National Liberation Front and Leader of the Revolution;

The generations of Heroes and Martyrs who forged and carried forward the liberation struggle for national independence.

IN THE NAME OF

The Nicaraguan people; the democratic, patriotic and revolutionary political parties and organizations of Nicaragua; the men and women; the workers and peasants; the glorious youth; the heroic mothers; those Christians who moved by their faith in GOD committed and dedicated themselves to the struggle for the liberation of the oppressed; the patriotic intellectuals; and all others who through their productive labor contribute to the defense of the Nation;

Those who guarantee the happiness of future generations by offering their lives in the struggle against imperialist aggression.

FOR

The establishment of the legal framework to protect and preserve the achievements of the Revolution and the building of a new society dedicated to the elimination of all forms of exploitation and to the achievement of economic, political and social equality for all Nicaraguans and absolute respect for human rights.

FOR THE HOMELAND, FOR THE REVOLUTION,
FOR THE UNITY OF THE NATION AND FOR PEACE.

WE HEREBY PROCLAIM THE FOLLOWING
POLITICAL CONSTITUTION OF THE REPUBLIC OF NICARAGUA

TITLE I
FUNDAMENTAL PRINCIPLES

CHAPTER I

Art.1 Independence, sovereignty and self-determination are inalienable rights of the Nicaraguan people and the foundation of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine these rights is an attack upon the life of the people.

It is the right of the people and the duty of all citizens to preserve and defend, with arms if necessary, the independence of the Nation, its sovereignty and national self-determination.

Art.2 National sovereignty rests with the people, the source of all power and forgers of their own destiny. The people exercise democracy by freely deciding upon and participating in the construction of the economic, political and social system which best serves their interests. The people exercise power both directly and through their representatives elected by universal suffrage; equal, free, and direct elections and secret ballot.

Art.3 The struggle for peace and the establishment of a just world order are unrenounceable national commitments of the Nicaraguan nation. We therefore oppose all forms of colonialist and imperialist domination and exploitation. The Nicaraguan people are in solidarity with all those who struggle against oppression and discrimination.

Art.4 The Nicaraguan people have created a new state to promote their interests and guarantee their social and political achievements. The state is the principal instrument through

which the people eliminate all forms of exploitation and oppression, promote material and spiritual progress of the nation, and ensure that the interests and rights of the majority prevail.

Art.5 The state guarantees the existence of political pluralism, a mixed economy and non-alignment.

Political pluralism assures the existence and participation of all political organizations in the economic, political and social affairs of the nation, without ideological restrictions, except for those who seek a return to the past or advocate the establishment of a political system similar to it.

A mixed economy assures the existence of different forms of property: public, private, associative, cooperative and communal; these forms of property must serve the best interests of the nation and contribute to the creation of wealth to satisfy the needs of the country and its inhabitants.

Nicaragua's international relations are based on the principle of non-alignment, the search for peace, and respect for the sovereignty of all nations; therefore, Nicaragua opposes all forms of discrimination and is anti-colonialist, anti-imperialist, and anti-racist. Nicaragua rejects the subordination of any state by another.

TITLE II
THE STATE

CHAPTER I

Art.6 Nicaragua is an independent, free, sovereign, unitary and indivisible state.

Art.7 Nicaragua is a participatory and representative democratic republic. It has four branches of government: Legislative, Executive, Judicial and Electoral.

Art.8 The people of Nicaragua are multi-ethnic and are an integral part of the Central American nation.

Art.9 Nicaragua is a firm defender of Central American unity. It supports and promotes all efforts to achieve political and economic integration and cooperation in Central America. It also supports the efforts to establish and preserve peace in the region.

Nicaragua, inspired by the ideals of Bolivar and Sandino, strives for the unity of the people of Latin America and the Caribbean.

Consequently, Nicaragua will participate with other Central and Latin American countries in the creation and election of the bodies necessary to achieve such goals. This principle shall be regulated by appropriate legislation and treaties.

Art.10 The national territory is located between the Atlantic and Pacific Oceans and the republics of Honduras and Costa Rica. It includes the adjacent islands and keys, soil and subsoil, territorial waters, continental platform, continental rise, airspace and stratosphere.

The precise boundaries of the national territory are defined by laws and treaties.

Art.11 Spanish is the official language of the state. The languages of the Communities of the Atlantic Coast shall also have official use in the cases established by law.

Art.12 The city of Managua is the Capital of the Republic and the seat of government. In exceptional circumstances these can be established elsewhere in the nation.

Art.13 The symbols of the nation are the National Anthem, the Flag and the Official Seal, as established by the law that defines their characteristics and use.

Art.14 The state has no official religion.

TITLE III
NICARAGUAN NATIONALITY

CHAPTER I

Art.15 Nicaraguans are either nationals or nationalized.

Art.16 Nationals are:

1. Those born in Nicaraguan territory, excepting children of foreigners in diplomatic service, children of foreign officials serving international organizations or those sent by their government to work in Nicaragua, unless they choose to solicit Nicaraguan nationality.

2. Children of a Nicaraguan father or mother.

3. Children born abroad to fathers or mothers who originally were Nicaraguan, if and when they apply for citizenship after reaching legal age or independence.

4. Infants of unknown parents found in Nicaragua, subject to correction in accordance with the law should their filial identity become known.

5. Children born to foreign parents on board a Nicaraguan aircraft or vessel, if and when they solicit Nicaraguan nationality.

Art.17 Native born Central Americans who reside in Nicaragua have the right to apply for Nicaraguan nationality from the competent authorities without renouncing their previous nationality.

Art.18 The National Assembly may grant nationality to foreigners deserving this merit by virtue of extraordinary service rendered to Nicaragua.

Art.19 Foreigners who have renounced their nationality may be nationalized by applying to the competent authorities when they have fulfilled the requirements and conditions established by law.

Art.20 No national may be deprived of nationality except upon voluntary acquisition of another; nor shall a national be deprived of Nicaraguan nationality because of having acquired that of another Central American country or any country with which Nicaragua has an agreement of dual nationality.

Art.21 The granting, loss and recuperation of nationality shall be regulated by law.

Art.22 Cases of dual nationality shall be treated in conformity with treaties and the principle of reciprocity.

TITLE IV
RIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLE

CHAPTER I
INDIVIDUAL RIGHTS

Art.23 The right to life is inviolable and inherent to all persons. There is no death penalty in Nicaragua.

Art.24 All persons have duties to their families, the community, the Homeland and humanity. The rights of each person are limited by the rights of others, the collective security and the just requirements of the common good.

Art.25 All persons have the right to:

1. personal freedom;

2. security;

3. seek legal redress.

Art.26 All persons have the right to:

1. privacy and the privacy of their family;

2. the inviolability of their home, correspondence and communications;

3. respect for their honor and reputation.

A private home may be searched only with a warrant from a competent judge or expressly authorized official to prevent a crime from being committed or to avoid damage to persons or goods, in accordance with the procedures established by law.

The law shall determine the cases and the procedures for an examination of private documents, fiscal records and related documents, when such is indispensable for the investigation of matters before the Courts or for fiscal reasons.

Illegally seized letters, documents and other private papers shall be null and void in legal proceedings or elsewhere.

Art.27 All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition.

Foreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law; foreigners may not intervene in the political affairs of the country.

The state respects and guarantees the rights recognized in this Constitution to all persons who are in Nicaraguan territory and subject to its jurisdiction.

Art.28 Nicaraguans who are temporarily out of the country have the right to enjoy amparo* and protection by the state through its diplomatic representatives.

Art.29 All persons have the right to freedom of conscience and thought and to profess or not to profess a religion. No one shall be the object of coercive measures which diminish these rights, or be obligated to declare his or her creed, ideology or beliefs.

*In Nicaragua, "amparo" is a legal procedure used to seek review of administrative acts, similar to the writs of prohibition, mandamus and habeas corpus in the United States judicial system. It is originally a Mexican constitutional concept.

Art.30 Nicaraguans have the right to freely express their beliefs in public or private, individually or collectively, in oral, written or any other form.

Art.31 Nicaraguans have the right to travel and to establish their residence in any part of the nation and to freely enter and exit the country.

Art.32 No one is obligated to do what is not required by law, or barred from doing what is not prohibited by law.

Art.33 No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases established by law and in accordance with legal procedures. Therefore:

1. An individual may be detained only by a warrant issued from a competent Judge or an official expressly authorized by law, except when apprehended in the act of committing a crime.

2. All detained persons have the right to be:

   2.1. Informed in detail without delay of the reasons for their detention and the charges against them, in a language they understand; to have their family informed; and to be treated with respect in accordance with the dignity inherent in human beings.

   2.2. Brought before a competent legal authority within 72 hours.

3. No one shall be detained after a release order has been granted by the appropriate authority or once the sentence imposed has been completed.

4. The responsible authority shall be liable for any illegal detention.

5. The appropriate authorities shall attempt to maintain those awaiting trial apart from those who have been sentenced.

Art.34 All those awaiting trial have equal rights to the following minimum guarantees:

1. To be presumed innocent until proven guilty according to the law.

2. To be tried without undue delay by a competent court established by law.

3. Not to be removed from the jurisdiction of a competent judge except in cases provided for in this Constitution or by law.

4. To be guaranteed the right to a defense, to participate personally from the start of the proceedings and to adequate time and means to prepare their defense.

5. To be represented by a public defender when legal counsel has not been selected by the time of the first hearing, or in the event that no prior call was decreed.

   The accused shall have the right to communicate freely and in private with his or her legal counsel.

6. To have the assistance of an interpreter free of charge if they do not understand or speak the language used by the court.

7. Not to be obligated to testify against themselves or against a spouse or a partner in a stable de facto union, or a family member within the fourth level of consanguinity or the second of marital relations, or to admit their own guilt.

8. To be found guilty or not guilty within the legal time period, by each of the relevant courts.

9. To have the right to appeal to a superior court upon conviction of any crime and not to be retried for any crime for which a final judgement of conviction or acquittal has been issued.

10. Not to be brought to trial or sentenced for acts or omissions which at the time committed had not been unequivocally established by Law as a punishable crime, and not to be given a sentence which has not been previously established by law.

    Criminal proceedings are open to the public, but in some cases the press and the general public may be excluded for moral considerations or for matters of the public order or national security.

Art.35 Minors shall not be subjected to nor the object of judgment, nor shall they be submitted to any legal proceeding. Minors who violate the law cannot be taken to penal rehabilitation centers. They shall be attended in centers under the responsibility of a specialized institution, as provided by law.

Art.36 All persons shall have the right to respect for their physical, psychological and moral integrity. No one shall be subjected to torture, nor inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punishable by law.

Art.37 The penalty shall not extend beyond the accused. No sentence may independently or consecutively total more than thirty years.

Art.38 The law is not retroactive except in penal matters that favor the accused.

Art.39 In Nicaragua the Penitentiary System is humane, its fundamental objective is to transform the detainee into a person capable of reintegration into the society. In the progressive stages, the Penitentiary System shall promote family unity, health care, educational and cultural advancement and productive occupation with financial compensation. Detention has a reeducational character.

Women and men serving prison sentences shall be held in separate penal centers. Women shall be provided guards of the same sex.

Art.40 No one shall be subjected to involuntary servitude. Slavery and slave trade in any form are prohibited.

Art.41 No one shall be detained for indebtedness. This principle does not limit the powers of competent legal authorities to issue warrants for the non-fulfillment of support or alimony orders. All national and foreign citizens have the duty to pay their debts.

Art.42 Nicaragua guarantees asylum to those persecuted for their struggle for democracy, peace, justice and human rights.

The granting of political asylum shall be determined by law in accordance with international agreements ratified by Nicaragua. If a political refugee or exile is expelled from Nicaragua, that person may not be sent back to the country in which he or she was persecuted.

Art.43 Extradition from Nicaragua will not be permitted for political crimes or common crimes committed in conjunction with them, at Nicaragua's own discretion. Extradition for other common crimes is regulated by law and International Treaties.

Nicaraguans shall not be extradited from Nicaragua.

Art.44 Nicaraguans have the right to the personal property and necessary goods that are essential for the integral development of each person.

Art.45 Persons whose constitutional rights have been violated or are in danger of violation have the right to present writs of habeas corpus or amparo**, according to the circumstances and the Law of Amparo.

Art.46 All persons in Nicaragua shall enjoy protection and recognition by the state of the rights inherent to human beings, as well as unrestricted respect, promotion and protection of human rights, and the full benefit of the rights set forth in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Pact of Economic, Social and Cultural Rights and the International Pact of Civil and Political Rights of the United Nations; and the American Convention of Human Rights of the Organization of American States.

CHAPTER II
POLITICAL RIGHTS

Art.47 All Nicaraguans who have reached 16 years of age are full citizens.

All citizens enjoy the political rights set forth in the Constitution and in other laws, without limitations other than those established for reasons of age.

A citizen's rights may be suspended when serious corporal or specific related punishments are applied and when a final judgment of civil injunction is decreed.

Art.48 Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfillment of these responsibilities and obligations, there exists absolute equality between men and women. It is the obligation of the state to remove obstacles that impede effective participation of Nicaraguans in the political, economic and social life of the country.

Art.49 In Nicaragua workers in the cities and countryside, women, youth, agricultural producers, artisans, professionals, technicians, intellectuals, artists, religious persons, the Communities of the Atlantic Coast and the population in general have the right to form organizations in order to realize their aspirations according to their own interests, without discrimination, and to participate in the construction of a new society.

** See footnote to Article 28.

Such organizations may be formed by the voluntary participation and free will of their members. They shall have a social function and may have a partisan character, according to their nature and objectives.

Art.50 Citizens have the right to participate under equal condition in public affairs and in state management.

Effective participation by the people at local and national levels shall be guaranteed by law.

Art.51 Citizens have the right to elect and be elected in periodic elections, and to vie for public office.

Art.52 Citizens have the right, individually or collectively, to petition, to denounce irregularities and to make constructive criticisms to the branches of government or to any authority, and to obtain a quick resolution or response and to have the result made known within the time period established by law.

Art.53 The right to peaceful assembly is recpgnized; the exercise of this right does not require prior permission.

Art.54 The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

Art.55 Nicaraguan citizens have the right to organize or affiliate with political parties with the objective of participating in, exercising or vying for power.

CHAPTER III
SOCIAL RIGHTS

Art.56 The state shall grant special attention in all of its programs to those who defend the dignity, honor and sovereignty of the nation, and to their families, as well as to the families of those fallen in defense of the nation, in accordance with the laws.

Art.57 Nicaraguans have the right to work in keeping with human nature.

Art.58 Nicaraguans have the right to education and culture.

Art.59 Every Nicaraguan has an equal right to health care. The state shall establish the basic conditions for the promotion, protection, recuperation and rehabilitation of the health of the people.

The organization and direction of health care programs, services and activities is the responsibility of the state, which shall also promote popular participation in support of health care.

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Citizens are obliged to respect stipulated sanitary measures.

Art.60 Nicaraguans have the right to live in a healthy environment and it is the obligation of the state to preserve, conserve and reclaim the environment and the natural resources of the country.

Art.61 The state guarantees Nicaraguans the right to social security for protection against the social contingencies of life and work, in the manner and conditions determined by law.

Art.62 The state shall strive to establish programs for the physical, psycho-social and professional rehabilitation of disabled people, and for their job placement.

Art.63 It is the right of all Nicaraguans to be protected against hunger. The state shall promote programs which assure adequate availability and equitable distribution of food.

Art.64 Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The state shall promote the fulfillment of this right.

Art.65 Nicaraguans have the right to sports, physical education, relaxation and recreation. As part of their integral development, the state shall promote sports and physical education, through the organized and mass participation of the people and specific programs and projects.

Art.66 Nicaraguans have the right to accurate information. This right includes the freedom to seek, receive and disseminate information and ideas, be they spoken or written, in graphic or any other form.

Art.67 The right to provide information is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but may be subject to retroactive liability established by law.

Art.68 The mass media is at the service of national interests. The state shall promote the access of the public and its organizations to the means of communication, and shall prevent the media from responding to foreign interests or to any economic power monopoly.

The existence and functioning of public, corporate or private means of communication shall not be the object of prior censorship. It shall be subject to the law.

Art.69 All persons, either individually or collectively, have the right to practice their religion in public or private, through worship, practice and teaching.

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No one may disobey the law or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs or inclination.

CHAPTER IV
FAMILY RIGHTS

Art.70 The family is the fundamental nucleus of society and has the right to protection by society and the state.

Art. 71 It is the right of Nicaraguans to form a family. The law shall regulate and protect this right.

Art. 72 Marriage and stable de facto unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Art. 73 Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must work together to maintain the home and provide for the integral development of their children, with equal rights and responsibilities. Furthermore, children are obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the pertinent legislation.

Art. 74 The state grants special protection to the process of human reproduction.

Women shall have special protection during pregnancy and shall be granted maternity leave with pay and appropriate social security benefits.

No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period, in conformity with the law.

Art.75 All children have equal rights. There shall be no discrimination for reasons of filial relations. In ordinary legislation, dispositions or classifications that reduce or deny equality among children shall be null and void.

Art.76 The state shall promote programs and develop special centers for the care of minors; minors have the right to protection and education from their family, the society and the state, according to their needs.

Art.77 The elderly have the right to protective measures from their family, society and the state.

Art.78 The state shall protect responsible paternity and maternity and establish the right to investigate paternity and maternity.

Art.79 The right of adoption based on the best interests of the child is established, as regulated by law.

CHAPTER V
LABOR RIGHTS

Art.80 Work is a right and a social responsibility. The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual, and is the source of the wealth and prosperity of the nation. The state shall strive for full and productive employment under conditions that guarantee the fundamental rights of the individual.

Art.81 Workers have the right to participate in the management of their enterprises, through their organizations and in conformity with the law.

Art.82 Workers have the right to working conditions that guarantee:

1. Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, social, gender or other reasons, which assures a standard of living compatible with human dignity.

2. Payment of legal tender in their work place.

3. Minimum wage and social security payment shall not be legally attached except for support of the family and only by the terms established by law.

4. Work conditions that guarantee physical safety, health and hygiene and minimize work hazards to guarantee the worker's occupational health and safety.

5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month bonus, in conformity with the law.

6. Work stability in conformity with the law and equal opportunity to be promoted, subject to length of service, capacity, efficiency and responsibility.

7. Social security for protection and subsistence in case of disability, old age, occupational hazards, illness or maternity; and for family members in case of death, according to the conditions established by law.

Art.83 The right to strike is recognized.

Art.84 Child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited. Children and adolescents shall be protected against any form of economic or social exploitation.

Art.85 Workers have the right to cultural, scientific and technical development; the state shall facilitate this through special programs.

Art.86 All Nicaraguans have the right to choose and exercise freely their profession or trade and to choose their place of work with no requirements other than requisite schooling and that the work serve a social purpose.

Art.87 Full labor union freedom exists in Nicaragua. Workers may organize voluntarily in unions, which shall be constituted in conformity with the law.

No workers are obligated to belong to a particular union, nor to resign from the one to which they belong. Full union autonomy is recognized and the legal rights of organized labor are respected.

Art.88 In defense of their individual or organizational interests, workers are guaranteed the inalienable right to negotiate with their employers, in conformity with the law:

1. Individual contracts;

2. Collective bargaining agreements.

CHAPTER VI
RIGHTS OF THE COMMUNITIES OF THE ATLANTIC COAST

Art.89 The Communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, enjoy the same rights and have the same obligations as all Nicaraguans.

The Communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the framework of national unity, to be granted their own forms of social organization, and to administer their local affairs according to their traditions.

The state recognizes the communal forms of land ownership of the Communities of the Atlantic Coast and their enjoyment, use and benefit of the waters and forests of these communal lands.

Art.90 The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and values enriches the national culture. The state shall create special programs to enhance the exercise of these rights.

Art.91 The state is obligated to enact laws promoting and assuring that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

TITLE V
NATIONAL DEFENSE

CHAPTER I

Art.92 It is the duty and right of Nicaraguans to struggle for the defense of life, Homeland, justice and peace for the full development of the nation.

Art.93 The Nicaraguan people have the right to arm themselves in defense of their sovereignty, independence and revolutionary gains. It is the duty of the state to direct, organize and arm the people to guarantee this right.

Art.94 The defense of the Homeland and the Revolution rests on the mobilization and organized participation of all the people in the struggle against their aggressors. The state shall promote mass incorporation of the people into the various structures and tasks of the country's defense.

Art.95 The Sandinista Popular Army has a national character and must protect, respect and obey this Political Constitution.

The Sandinista Popular Army is the military arm of the people and direct descendant of the Army in Defense of National Sovereignty. The state prepares, organizes and directs popular participation in the armed defense of the Homeland through the Sandinista Popular Army.

No armed groups may exist in the national territory other than those established by the law, which shall regulate military organizational structure.

Art.96 Nicaraguans have the duty to bear arms to defend the Homeland and the gains of the people against the threats and aggressions of a foreign country, or of forces directed or supported by any country. Patriotic Military Service is established in accordance with the terms of the law.

Art.97 The struggle against externally promoted actions to undermine the revolutionary order established by the Nicaraguan people and the confrontation with criminal and anti-social actions are integral to the defense of the Revolution. The state creates the internal security forces, whose functions are determined by law.

TITLE VI
NATIONAL ECONOMY, AGRARIAN REFORM AND PUBLIC FINANCES

CHAPTER I
NATIONAL ECONOMY

Art.98 The principal economic function of the state is to promote the country's material development, overcome the inherited backwardness and dependence of the economy, improve the country's standard of living and create a more just distribution of wealth.

Art.99 The state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress.

The Central Bank, the National Financial System, Insurance and Foreign Commerce, instruments of the economic system, are irrevocable responsibilities of the state.

Art.100 The state shall promulgate a Foreign Investment Law that contributes to the socio-economic development of the country, without damaging national sovereignty.

Art.101 Workers and other productive sectors have the right to participate in the creation, execution and control of economic plans.

Art.102 Natural resources are national patrimony. Preservation of the environment, and conservation, development and rational exploitation of natural resources are responsibilities of the state; the state may formalize contracts for the rational exploitation of these resources when required by the national interest.

Art.103 The state guarantees the democratic coexistence of public, private, cooperative, associative and communal property; all these form parts of the mixed economy, are subject to the overriding interests of the nation and fulfill a social function.

Art.104 Enterprises organized under any of the forms of ownership established in this Constitution enjoy equality before the law and the economic policies of the state. The economic plans of enterprises must be prepared with the participation of the workers. Free economic initiative exists.

Art.105 The state is obligated to fairly and rationally regulate the supply and distribution of basic consumer goods, both in the countryside and in the cities. Speculation and hoarding are incompatible with the socio-economic system and constitute serious crimes against the people.

CHAPTER II
AGRARIAN REFORM

Art.106 Agrarian reform is the fundamental instrument for achieving a just distribution of land and an effective means for revolutionary transformation, national development and the social progress of Nicaragua. The state guarantees the development of the agrarian reform program, to fulfill the historic demands of the peasants.

Art.107 Agrarian reform shall abolish landed estates, rentism, inefficient production and the exploitation of peasants. It shall promote forms of ownership compatible with the economic and social objectives of the nation, as established in this Constitution.

Art.108 Land ownership is guaranteed to all those who productively and efficiently work their land. The law shall establish specific regulations and exceptions in conformity with the goals and objectives of agrarian reform.

Art.109 The state shall promote the voluntary association of peasants in agricultural cooperatives, without sexual discrimination. Subject to resources, it shall provide the material means necessary to raise their technical and productive capacity in order to improve the standard of living of the peasants.

Art.110 The state shall promote the voluntary incorporation of small and medium scale agricultural producers, both individually and in associations, into the economic and social development plans of the country.

Art.111 The peasants and other productive sectors have the right to participate, through their own organizations, in establishing the policies of agrarian transformation.

CHAPTER III
PUBLIC FINANCES

Art.112 The annual General Budget of the Republic shall regulate public income and expenditure. The Budget must show the distinct sources and recipients of income and expenditure, which must balance, and shall determine the spending limits of the state institutions. Extraordinary spending may only be authorized by law and financed through the simultaneous creation and assignment of resources.

Art.113 The Budget shall be prepared by the President of the Republic and approved by the National Assembly in the Annual Budget Law, in conformity with this Constitution and the law.

Art.114 The taxation system must take into consideration the distribution of wealth and income, as well as the needs of the state.

Art.115 Taxes must be created by laws that establishes their frequency and type and the rights of taxpayers. The state shall not require payment of taxes that have not been previously established by law.

TITLE VII
EDUCATION AND CULTURE

CHAPTER I

Art.116 Education seeks the full and integral development of Nicaraguans; to stimulate them with a critical, scientific and humanist way of thinking; to develop their personality and sense of dignity and to prepare them to assume the tasks of common interest necessary for the progress of the nation. Therefore, education is fundamental to the transformation and development of the individual and society.

Art.117 Education is a single, democratic, creative and participatory process, which promotes scientific research and links theory with practice and manual with intellectual labor. It is based on our national values; on the knowledge of our history and reality and of national and universal culture; and on scientific and technological advances; it cultivates the values of the new Nicaraguan in accord with the principles established in this Constitution, the study of which must be promoted.

Art.118 The state promotes the participation of the family, community and individuals in education and guarantees the support of the public means of communication for this purpose.

Art.119 Education is an unrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with national plans. Its organization and functioning are determined by law.

It is the duty of the state to develop and train the technical and professional personnel at all levels and disciplines necessary for the development and transformation of the country.

Art.120 The creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to living and working conditions in accord with their dignity and with the important social function that they perform; they shall be promoted and given incentives in accord with the law.

Art.121 All Nicaraguans have free and equal access to education. Basic education is free of charge and obligatory. The Communities of the Atlantic Coast have access in their region to education in their native language up to the levels set by national plans and programs.

Art.122 Adults shall be offered educational opportunities and training programs. The state shall continue its programs to eradicate illiteracy.

Art.123 Private education centers may function at all levels, subject to the terms established in this Constitution.

Art.124 Education in Nicaragua is secular. The state recognizes the right of private educational centers with a religious orientation to teach religion as an extracurricular subject.

Art.125 Higher education enjoys financial, organic and administrative autonomy in accordance with the law. Academic freedom is recognized. The state promotes free creation, research and dissemination of the sciences, arts and letters.

Art.126 It is the duty of the state to promote the recovery, development and strengthening of national culture, sustained by creative popular participation.

The state shall support national culture in all its diversity, whether collective or individual.

Art.127 Artistic and cultural creation is completely unrestricted. Cultural workers have full freedom to choose their forms and styles of expression. The state shall strive to provide them with the means necessary to create and present their works, and to protect their rights of authorship.

Art.128 The state protects the archeological, historical, linguistic, cultural and artistic patrimony of the nation.

TITLE VIII
ORGANIZATION OF THE STATE

CHAPTER I
GENERAL PRINCIPLES

Art.129 The Legislative, Executive, Judicial and Electoral branches of government are independent of one another and coordinate harmoniously, subject only to the overriding national interest and to the provisions established in this Constitution.

Art.130 No office holder may exercise functions other than those conferred upon the office by the Constitution and the laws.

All state officials must declare their financial status before assuming and upon leaving public office, as regulated by law.

Art.131 Elected and appointed officials of the four branches of government are publicly accountable for the proper fulfillment of their duties and must inform the public of their work and official activities. They must be receptive to problems presented by the people and strive to resolve them. Official duties must be exercised in the public interest. All officials must efficiently and honestly carry out their duties; they shall be responsible for their acts and omissions. Civil service shall be regulated by law.

CHAPTER II
LEGISLATIVE BRANCH

Art.132 The National Assembly exercises legislative power through representative popular mandate. The National Assembly is composed of ninety Representatives with their respective Alternates, elected by universal suffrage; equal, free and direct elections, and secret ballot in regional districts by means of a proportional representation system, as regulated by the Electoral Law. The number of Representatives may be increased in accord with the general census of the population in conformity with the law.

Art.133 Unelected Presidential and Vice Presidential candidates who participated in the election also form part of the National Assembly as Representatives and Alternates respectively if they have received a number of votes equal or superior to the average number of votes necessary to win the election in each regional electoral district.

Art.134 A Representative in the National Assembly must be:

1. A Nicaraguan national;

2. In full enjoyment of political and civil rights;

3. Over twenty-one years of age.

Art.135 No Representative to the National Assembly may obtain any concessions from the state or be the proxy or agent of public, private or foreign enterprises which have contracts with the state. Violation of this provision annuls the concessions or advantages obtained and terminates the person's representative status.

Art.136 Representatives to the National Assembly shall be elected for a period of six years, starting from the date of inauguration, which shall be the ninth of January of the year following the election.

Art.137 Representatives and Alternates elected to the National Assembly shall be sworn in by the President of the Supreme Electoral Council.

The National Assembly shall be inaugurated by the Supreme Electoral Council.

Art.138 The functions of the National Assembly are to:

1. Draft and approve laws and decrees, as well as amend or repeal existing ones;

2. Officially interpret the law;

3. Decree amnesty and pardons, as well as commute or reduce sentences.

4. Solicit reports through the President of the Republic from the Ministers or Vice Ministers of the state, and Presidents or Directors of autonomous and governmental institutions. Request by the same means their personal appearance and explanation or consultation.

5. Grant and cancel legal status to entities of a civil or religious nature.

6. Consider, discuss and approve the General Budget of the Republic in conformity with the procedures established in the Constitution and by law.

7. Elect Judges to the Supreme Court of Justice, and Members and their Alternates to the Supreme Electoral Council, from slates of three candidates proposed by the President of the Republic.

8. Elect the Controller General of the Republic from a slate of three candidates proposed by the President of the Republic.

9. Consider, acknowledge and decide on the resignations or permanent absences of Representatives to the National Assembly.

10. Consider and acknowledge the resignations or dismissals of Judges of the Supreme Court of Justice, of Members of the Supreme Electoral Council or the Controller General of the Republic.

11. Ratify or reject international treaties.

12. Regulate all matters related to symbols of the nation.

13. Create honorary orders and distinctions of national character.

14. Create and grant its own orders of national character.

15. Receive the President or the Vice President of the Republic in formal session to hear the annual report.

16. Delegate the legislative faculties to the President of the Republic when the National Assembly is in recess, in accord with the Annual Decree of Delegating Legislative Functions. Matters relating to the codes of the Republic are excepted.

17. Elect the National Assembly's Executive Board.

18. Create permanent, special and research committees.

19. Propose grace pensions and grant honors for distinguished service to the Homeland and to humanity.

20. Determine the political and administrative division of the country.

21. Consider the nation's economic and social development plans and policies.

22. Fill permanent vacancies of the Presidency or Vice Presidency of the Republic.

23. Authorize foreign visits of the President of the Republic which last longer than one month.

24. Review and resolve complaints presented against officials who enjoy immunity.

25. Decree the General Statute and Internal Rules of the National Assembly.

26. Fulfill other functions conferred by the Constitution and the laws.

Art.139 Representatives shall bear no legal responsibility for their opinions and votes cast in the National Assembly and enjoy immunity in conformity with the law.

Art.140 Representatives to the National Assembly and the President of the Republic may initiate bills, as may the Supreme Court of Justice and the Supreme Electoral Council in matters pertaining to their respective jurisdictions. This right of initiative shall be regulated by the General Statute and Internal Rules of the National Assembly.

Art.141 Quorum for sessions of the National Assembly is half the number of its members plus one. To be approved, bills shall require a favorable vote by a simple majority of the Representatives present.

Once a bill is approved, it shall be sent to the President of the Republic for authorization, promulgation and publication.

Art.142 The President of the Republic may partially or totally veto a bill within 15 days after receiving it. If the President does not veto the bill, and fails to authorize, promulgate and publish it, the President of the National Assembly shall order the law to be published.

Art.143 A bill partially or totally vetoed by the President of the Republic must be returned to the National Assembly with the reasons for the veto specified. The National Assembly can reject the veto with a vote of half its Representatives plus one, in which case the President of the National Assembly shall order the law to be published.

CHAPTER III
EXECUTIVE BRANCH

Art.144 The President of the Republic, who is the Head of State, Head of Government and Commander in Chief of the Defense and Security Forces of the Nation, exercises executive power.

Art.145 The Vice President of the Republic carries out the functions delegated by the President and shall substitute in that position during the President's temporary or permanent absence.

Art.146 The election of the President and Vice President of the Republic is by equal, direct, free universal suffrage in secret ballot. The Candidates who receive the largest number of votes will be elected.

Art.147 The President and Vice President of the Republic must be:

1. Nicaraguan nationals;

2. In full enjoyment of civil and political rights.

3. Over twenty-five years of age.

Art.148 The President and Vice President shall exercise their functions for a period of six years, starting from their inauguration on January 10 of the year following the election; they shall enjoy immunity during their term of office.

Art.149 In case of the temporary absence of the President of the Republic, the Vice President shall assume the Presidential functions. When the absence is permanent, the Vice President shall assume the position of the President of the Republic for the remainder of the term and the National Assembly must elect a new Vice President.

In case of the temporary and simultaneous absence of the President and Vice President, the President of the National Assembly, or whoever is serving in that position in accord with the law, shall assume the functions of the President.
In case of the permanent absence of the Vice President of the Republic, the National Assembly shall appoint a substitute.

If the President and Vice President of the Republic are permanently absent, the President of the National Assembly or whoever is next in order of succession under law shall assume the functions of the President. The National Assembly must appoint substitutes for the President and Vice President within seventy-two hours after their positions have become vacant. Those appointed shall exercise their functions for the remainder of the term.

Art.150 The functions of the President of the Republic are to:

1. Comply with and enforce the Political Constitution and the laws.

2. Represent the nation.

3. Initiate legislation and exercise the right to veto, in accordance with this Constitution.

4. Enact executive decrees with the force of law in fiscal and administrative matters.

5. Prepare the General Budget of the Republic and promulgate it upon approval or review by the National Assembly, depending on the case.

6. Appoint and remove Ministers and Vice Ministers of State, Delegate Ministers of the Presidency, Presidents or Directors of autonomous and governmental institutions and other officials whose appointment or removal is not otherwise determined in the Constitution and the laws.

7. Assume the legislative faculties delegated by the National Assembly during its recess period.

8. Conduct the international relations of the Republic, formalize international treaties, agreements or accords and appoint the heads of diplomatic missions.

9. Decree and put into effect the State of Emergency in circumstances defined by this Political Constitution and forward the decree to the National Assembly for ratification within a period of no more than forty-five days.

10. Adopt regulations to give effect to the laws.

11. Grant honorary orders and decorations of a national character.

12. Organize and conduct the government and preside over Cabinet meetings.

13. Administer the economy of the country and determine socio-economic policies and programs.

14. Propose slates of three candidates to the National Assembly for the election of Judges to the Supreme Court of Justice, Members to the Supreme Electoral Council and the Controller General of the Republic.

15. Present the annual report and other reports and special messages to the National Assembly personally or via the Vice President.

16. Fulfill the other functions conferred by this Constitution and the laws.

Art.151 The President of the Republic determines the number, organization and jurisdiction of the government ministries and autonomous and state institutions. The ministers, vice ministers and presidents or directors of autonomous and governmental institutions enjoy immunity.

Art.152 Ministers, vice ministers or presidents of autonomous or governmental institutions must be:

1. A Nicaraguan national;

2. In full enjoyment of political and civil rights;

3. Over twenty-five years of age.

Art.153 Ministers, vice ministers and presidents or directors of autonomous and governmental institutions are responsible for their acts in conformity with this Constitution and the laws.

CHAPTER IV
OFFICE OF THE CONTROLLER GENERAL OF THE REPUBLIC

Art.154 The Office of the Controller General of the Republic is the governing body which controls public administration and the "Area of People's Property"(public property).

Art.155 The Controller General of the Republic has the following responsibilities:

1. The establishment of a system which controls the proper use and prevents abuses of funds.

2. Ongoing supervision of the management of the General Budget of the Republic.

3. Control, examination and evaluation of the administrative and financial management of public institutions, those subsidized by the state and the public or private enterprises which receive investments of public capital.

Art.156 The Office of the Controller General of the Republic shall enjoy functional and administrative autonomy and shall be directed by the Controller General of the Republic, who shall give annual reports to the National Assembly and enjoy immunity.

Art.157 The law shall determine the organization and functioning of the Office of the Controller General of the Republic.

CHAPTER V
JUDICIAL BRANCH

Art.158 Justice emanates from the people and shall be carried out in their name as their proxy by the Judicial Branch, composed of the Courts of Justice established by law.

Art.159 The Courts of Justice form a single system, headed by the Supreme Court of Justice.

The exercise of judicial powers falls under the authority of the Judicial Branch. Military jurisdiction is established, and its exercise is regulated by law.

Art.160 The administration of justice guarantees the principle of legality and protects and promotes human rights through the application of law in the matters within its jurisdiction.

Art.161 A Judge of the Supreme Court of Justice must be:

1. A Nicaraguan national;

2. A lawyer;

3. In full enjoyment of political and civil rights;

4. Over twenty-five years of age.

Art.162 Judges shall serve for a term of six years and may be dismissed from their position only for reasons determined by law.

Judges enjoy immunity.

Art.163 The Supreme Court of Justice shall be composed of at least seven Judges, selected by the National Assembly, from slates of three candidates proposed by the President of the Republic.

The Judges shall take office after being sworn in before the National Assembly.

The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among the Judges selected by the National Assembly.

Art.164 The functions of the Supreme Court of Justice are to:

1. Organize and direct the administration of justice;

2. Review and decide ordinary and extraordinary appeals presented against the judgments of the Courts of Justice of the Republic, in accord with the proceedings established by law;

3. Review and decide on writs of amparo*** claiming violations of rights established in the Constitution, according to the Law of Amparo.

4. Review and decide on writs challenging the constitutionality of a law, filed in conformity with the Constitution and the Law of Amparo.

5. Appoint the Judges of the Appeals Courts and the Courts of the Republic, in accord with the procedures established by law.

6. Draft its internal rules and appoint its personnel.

7. Fulfill other functions conferred on it by the Constitution and the laws.

Art.165 In their judicial activity Supreme Court Judges and other Judges are independent and are subject only to the Constitution and the law; they shall be governed by, among others, the principles of equality, public proceedings and the right to a defense. In Nicaragua justice is free of charge.

Art.166 The administration of justice shall be organized and shall function with popular participation as determined by the law. The members of the Courts of Justice, be they lawyers or not, have equal authority in the exercise of their legal functions.

Art.167 State authorities, organizations and legal institutions and individuals must comply with the verdicts and resolutions of the Courts and Judges.

CHAPTER VI
ELECTORAL BRANCH

Art.168 The organization, management and oversight of elections, plebiscites and referendums are the exclusive responsibility of the Electoral Branch.

Art.169 The Electoral Branch is composed of the Supreme Electoral Council and other, subordinate electoral bodies.

Art.170 The Supreme Electoral Council is composed of five Members with their respective Alternates, elected by the National Assembly from slates of three candidates for each position proposed by the President of the Republic. The National Assembly shall select the President of the Supreme Electoral Council from the elected Members.

*** See footnote to Article 28.

Art.171 The Judges of the Supreme Electoral Council must be:

1. Nicaraguan nationals;

2. In full enjoyment of political and civil rights;

3. Over twenty-five years of age.

Art.172 The President and other Members of the Supreme Electoral Council shall exercise their functions for a term of six years starting from the date on which they take office; during this period they enjoy immunity.

Art.173 The functions of the Supreme Electoral Council are to:

1. Organize and conduct the elections, plebiscites or referendums convoked in accordance with the Constitution and the law.

2. Appoint the members of the other electoral bodies, in accordance with the Electoral Law.

3. Establish the calendar for elections.

4. Apply the constitutional and legal provisions that refer to the electoral process.

5. Serve as the final arbiter of resolutions enacted by subordinate electoral bodies and of the claims and disputes presented by political parties.

6. Issue relevant measures in accordance with the law to ensure that the electoral process develops under conditions of full legal guarantees.

7. Ensure that the appropriate bodies provide security for the political parties participating in the elections.

8. Make the final check of the votes cast in the elections, plebiscites and referendums, and present the final declaration of the results.

9. Draft its own regulations.

10. Fulfill other functions conferred on it by the Constitution and the laws.

Art.174 The Members and alternates of the Supreme Electoral Council shall take office after being sworn in by the President of the National Assembly.

TITLE IX
POLITICAL ADMINISTRATIVE DIVISION

CHAPTER I
MUNICIPALITIES

Art.175 The national territory shall be divided for administrative purposes into Regions, Departments and Municipalities. The laws regarding this matter shall determine the size, number, organization, structure and operation of the various districts.

Art.176 The Municipality is the basic unit of political administration in the country. The law shall determine their number and size.

Art.177 The government and administration of municipalities is the responsibility of the municipal authorities, who enjoy autonomy without abrogating the authority of the central government.

Municipal governments shall be elected by the people, through equal, direct, free and universal suffrage in secret ballot, in conformity with the law.

Art.178 Municipal authorities shall serve six-year terms, beginning from the day they are sworn in before the Supreme Electoral Council.

Art.179 The state shall promote the integral and harmonious development of the diverse parts of the nation.

CHAPTER II
COMMUNITIES OF THE ATLANTIC COAST

Art.180 The Communities of the Atlantic Coast have the right to live and develop under the forms of social organization that correspond to their historic and cultural traditions.
The state guarantees these communities the benefits of their natural resources, the legitimacy of their forms of communal property and the free election of their authorities and representatives.

Furthermore, it guarantees the preservation of their cultures and languages, religion and customs.

Art.181 The state shall implement a law which establishes autonomous governments in the regions inhabited by the Communities of tne Atlantic Coast to guarantee the exercise of tneir rights.

TITLE X
SUPREMACY OF THE CONSTITUTION, ITS REFORM, AND CONSTITUTIONAL LAWS

CHAPTER I
POLITICAL CONSTITUTION

Art.182 The Political Constitution is the fundamental charter of the Republic; all other laws are subordinate to it. Any laws, treaties, orders or provisions that oppose it or alter its provisions shall be null and void.

Art.183 No branch of government, governmental body or official shall have any authority, faculty or jurisdiction other than those conferred by the Political Constitution and the laws of the Republic.

Art.184 Once written, the Electoral Law, Emergency Law and Law of Amparo will have constitutional status under the Political Constitution of Nicaragua.

Art.185 The President of the Republic may suspend the rights and guarantees consecrated in this Constitution within part or all of the nation in case of war or when demanded by national security, economic conditions or a national catastrophe.

The President's decree shall put the State of Emergency into effect for a specified renewable time period. The Law of Emergency shall regulate its forms. During a State of Emergency, the President of the Republic is authorized to approve the General Budget of the Republic and forward it to the National Assembly for its review.

Art.186 The President of the Republic can not suspend the rights and guarantees established in articles 23; 24; 25, no.3; 26, no.3; 27; 29; 33, nos. 2.1 (final part), 3 and 5; 34, except nos. 2 and 8; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 50; 51; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 67, first paragraph; 68, first paragraph; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 84; 85; 87; 89; 90 and 91.

CHAPTER II
CONSTITUTIONAL CONTROL

Art.187 Any citizen has the right to seek judicial review of the constitutionality of any law, decree or regulation that is inconsistent with the Political Constitution.

Art.188 The Writ of Amparo may be used to challenge any provision, act or resolution and any action or omission of any official or authority or his or her agent violating or attempting to violate the rights and guarantees affirmed in the Political Constitution.

Art.189 The Writ of Habeas Corpus may be used by anyone whose freedom, physical integrity or security is violated or is in danger of being violated.

Art.190 The Law of Amparo shall regulate the remedies established in this chapter.

CHAPTER II
CONSTITUTIONAL AMENDMENT

Art.191 The National Assembly is empowered to partially amend this Political Constitution and to review and approve its total revision.

The President of the Republic or one-third of the Representatives to the National Assembly can initiate a partial reform.

Half of the total number of Representatives to the National Assembly plus one are necessary to initiate a total reform.

Art.192 A proposal for partial reform must specify the article or articles to be reformed with a statement of the reasons for the modification. The proposal must be sent to a special commission which shall render an opinion within no more than 60 days; the initiative shall then follow the same process as for the creation of a law.

A proposal for partial reform must be discussed in two sessions of the National Assembly.

Art.193 A proposal for total reform shall follow the same process as in the previous article, except that upon its approval, the National Assembly shall establish a time period for holding elections for a Constituent National Assembly. The National Assembly shall retain jurisdiction until the installation of the new Constituent National Assembly.

Until a new Constitution has been approved by the Constituent National Assembly, this Constitution shall remain in effect.

Art.194 Approval of a partial reform shall require a favorable vote by sixty percent of the Representatives. Two-thirds of the total number of Representatives are required to approve a total revision. The President of the Republic must promulgate the partial amendment, which is not subject to veto.

Art.195 The reform of constitutional laws shall follow the procedure established for partial reform of the Constitution, with the exception of the requirement of discussion in two legislative sessions.

TITLE XI
FINAL AND TRANSITIONAL PROVISIONS

Art.196 This Constitution shall govern from the time of its publication in La Gaceta, the official daily legal publication, and shall annul the Fundamental Statute of the Republic, the Statute of Rights and Guarantees of Nicaraguans and all other legal provisions inconsistent with it.

Art.197 This Constitution shall be widely disseminated in the official language of the country. It shall also be disseminated in the languages of the Communities of the Atlantic Coast.

Art.198 All aspects of the existing legal order that do not contradict this Constitution shall remain in effect, until such time as they may be modified.

Art.199 The Special Courts shall continue to function until such time as they come under the jurisdiction of the Judicial Branch. The appointment of their members and their procedures shall be determined by the laws that established them.

Furthermore, the Common Courts shall continue to function in their present form, until a system with popular representation is established. This principle shall be implemented gradually in accord with the circumstances.

Art.200 The current political administrative division shall be preserved until the law governing it is promulgated.

Art.201 The President and Vice President of the Republic and the Representatives to the National Assembly, elected November 4, 1984, shall exercise their functions during the term that ends January 10 and 9, 1991, respectively.

The members of the Supreme Court of Justice and the Supreme Electoral Council and other authorities and officials of the diverse branches of government shall continue to exercise their functions until such time as their successors take office in accordance with the Constitution.

Art.202 Four official copies of this Constitution shall be signed by the President and Representatives to the National Assembly and by the President of the Republic. These copies shall be kept in the offices of the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court of Justice and the Presidency of the Supreme Electoral Council. Each one shall have the force of the authentic text of the Political Constitution of Nicaragua. The President of the Republic shall cause it to be published in La Gaceta, the official daily publication.

GIVEN IN THE MEETING HALL OF THE NATIONAL ASSEMBLY,
IN THE CITY OF MANAGUA, NOVEMBER 19, 1986.
"FOR 25 YEARS, ALL ARMS AGAINST THE AGGRESSION"

EXECUTIVE BOARD OF THE NATIONAL ASSEMBLY

CARLOS NUNEZ TELLEZ

PRESIDENT

LETICIA HERRERA
VICE PRESIDENT

MAURICIO DIAZ DAVILA
VICE PRESIDENT

RAFAEL SOLIS CERDA
SECRETARY

DOMINGO SANCHEZ SALGADO
SECRETARY

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VICTORINO ESPINALES REYES
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RAMIRO LACAYO MONTEALEGRE
HUMBERTO SOLIS BARKER
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HERMOGENES RODRIGUEZ BLANDON
ALFONSO LOPEZ LOPEZ
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HAZEL LAU BLANCO
GABRIEL AGUIRRE MARIN
ULISES TERAN NAVAS

HERIBERTO RODRIGUEZ MARIN
RAMON SANABRIA CENTENO
FILEMON HERNANDEZ MUÑOZ
FRANCISCO JARQUIN RAMIREZ
ELIGIO PALACIOS MARADIAGA
EDUARDO ZAPATA ALTAMIRANO
Ma. TERESA DELGADO MARTINEZ
JUANA SANTOS ROQUE BERVIS
ONOFRE GUEVARA LOPEZ
JOSE MARIA ORTIZ CERDA
LUIS ROCHA URTECHO
AUXILIADORA MARTINEZ SUAREZ
SIXTO ULLOA DOÑA
DANILO AGUIRRE SOLIS
DAMASO VARGAS LOAISIGA
GUSTAVO ADOLFO VEGA VARGAS
BERTHA ROSA FLORES ZAMBRANA
ENRIQUE SANCHEZ ARANA
FRANCISCO MENA AGUIRRE
ROGELIO RAMIREZ MERCADO
YADIRA MENDOZA SARAVIA
ADRIAN RAMIREZ TELLEZ
MIGUEL GONZALEZ HERNANDEZ
ERASMO MONTOYA LEIVA
LUIS CHAVARRIA MOREIRA
ORLANDO RIZO ESPINOZA
BENIGNA MENDIOLA SEQUEIRA
RAY HOOKER TAYLOR
EDWIN ILLESCAS SALINAS
GUSTAVO MENDOZA HERNANDEZ

RAFAEL CORDOBA RIVAS
BLANCA BERMUDEZ COREA
JOSE DANIEL BRENES AGUILAR
ROGERS C. ARGUELLO RIVAS
CONSTANTINO PEREIRA B.
JULIO MELENDEZ HERMIDA
CARLOS ALONSO GARCIA
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ALFREDO RODRIGUEZ SALGUERA
ALLAN ZAMBRANA SALMERON
LUIS SANCHEZ SANCHO

GERARDO ALFARO SILVA
JOSE R. QUINTANILLLA RUIZ
LUCAS URBINA DIAZ
EDUARDO CORONADO PEREZ
SANTIAGO VEGA GARCIA
MACARIO ESTRADA LOPEZ
RAMON LARIOS RUIZ
ANTONIO JARQUIN RODRIGUEZ
LEONCIO RAYO GONZALEZ
ARIEL BRAVO LORIO

THEREFORE, LET IT BE PUBLISHED.
MANAGUA, JANUARY 9, 1987.

DANIEL ORTEGA SAAVEDRA
PRESIDENT OF THE REPUBLIC

APPENDIX B

RESOLUTION OF THE INDEPENDENT

NICARAGUA BAR ASSOCIATION

The Barra de Abogados de Nicaragua - [Bar Association of Nicaragua], meeting on the occasion of its "First National Juridical Forum" in the Ruben Dario Hall of the Intercontinental Hotel in Managua on August 22 and 23, 1986, has resolved as follows:

WHEREAS

I. On the subject of the constitution:

(1) There is no true separation among the branches of government.

(2) Inter-agency controls that would ensure a balance of power have been eliminated, with the result that power is concentrated in the presidency.

(3) The text [of the constitution] contains no categorical statement of either individual or social rights. There are fewer guarantees than in the previous constitution.

(4) The constitutional remedies are not well defined and not as fully guaranteed because they are not incorporated into the text of the constitution or in constitutional law.

(5) Free suffrage, besides being directly threatened by the normative content of the draft text, is not properly guaranteed by an electoral law of a constitutional nature.

(6) Neither the justification nor scope of the special powers for a state of emergency or martial law appears to be regulated in the text we analyzed, nor is there mention of an annexed constitutional law.

(7) The draft leaves all matters to whoever holds legislative authority. Instead of the constitution being the highest law upon which the secondary laws and rules depend, the constitution is virtually subject to these. The legislating authority is given a free hand to act as it sees fit.

(8) The principle of nationality is set forth only in order to be denied, in deference to the internationalist trend, disguised in part by the concepts of Central Americanism and Latin Americanism.

(9) References are to a mixed economy, yet private enterprise is virtually destroyed.

(10) Political pluralism is mentioned, while an armed party is constituted that stifles any possibility of independent party development.

(11) The principle of non-alignment is belied by actions in international politics.

(12) There is nothing to prevent a situation such as now prevails, where one person occupies positions in various agencies at once, or relatives occupy positions in the same government entities, thereby encouraging nepotism.

(13) Free of any control and actually exercising all the power of the state, the president becomes an absolute monarch and his will becomes law. This, together with the obvious State-Party-Army confusion that already exists in our country, leads one to believe that the draft constitution is nothing more than a strategic tool.

(14) If the political regime that is urging the adoption of the draft constitution becomes a legal reality, we would be returning to earlier periods of our history and the result would be an anti-constitution whose purpose would be diametrically opposed to legitimate constitutional objectives.

II. On criminal law:

(1) The draft of the Code of Criminal Procedure does not permit even a superficial analysis of its provisions because it is not consistent with the general principles that form the basis of criminal legislation worldwide; moreover, it runs contrary to human rights conventions ratified by Nicaragua, and to the statute of rights and guarantees of the Nicaraguan people. Also, the code of criminal procedure or of criminal prosecution merit such amendments as are necessary in order to update modern criminal procedural law.

(2) Criminal procedures vary depending on the offense. This means exceptional procedures are created for individuals and for different types of crime, which violates universal principles of human rights.

(3) The State's monopolizing of criminal prosecution has become a political instrument that leads to injustices, and the citizen is frustrated in his rights when his ability to bring criminal suit is hampered; moreover, it has neither the

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material nor human resources to enable it to challenge the legal time limits and introduce evidence either in favor of or against the accused.

(4) The courts of justice have used police investigations based on confessions as grounds for their decisions, thereby abusing the system of a calm and reasoned review, their extra-legal decisions justified [sic]: civilians are removed from the ordinary jurisdiction to the military jurisdiction, in violation of, universally accepted principles.

(5) Experience has shown that the inclusion of laymen in the administration of justice has been detrimental to law and justice in the nation, and that the objective is clearly to politicize criminal law.

(6) The bar association has denounced the abuse to which it has been subjected by both administrative and police authorities at the national level.

(7) During police procedures, the accused have complained of assaults on their physical, psychological, and moral integrity by agents of the executive branch, since current emergency legislation provides for neither a maximum nor a uniform term of detention and, in daily practice, any person in prison is prevented from obtaining the assistance of a defense lawyer.

III. At the Initiative of the Assembly:

(1) Freedom of expression is one of the universally recognized fundamental rights. Censorship and the closing of communication media threaten the right of the citizen to express himself and the right of the people to be informed without any restriction.

(2) The Christian people of Nicaragua have watched with profound sadness and indignation the unjustified expulsion of our spiritual leaders Msgr. Pablo Antonio Vega, Bishop of Juigalpa, and the exile of Msgr. Bismarck Carballo Madrigal, Vicar in charge of communications for the diocese of Managua.

(3) These events impair the elementary rights of freedom of conscience to which all Nicaraguans are entitled. They are sanctioned in international documents that have been signed and ratified, and in which the national honor is committed.

(4) The unexpected and unjust detention of Dr. Carlos Bayardo Romero, an attorney, alarms and surprises our professional community.

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(5) We are fully aware of the Marxist political and ideological orientation that exists in the curricula at our universities, where an attempt is made to misrepresent and deprecate the legal profession.

NOW, THEREFORE, BE IT RESOLVED THAT:

(1) We call for the exercise of freedom of expression and demand the effective exercise of this right within the nation. In this regard we ask for the reopening of Radio Catolica, the newspaper La Prensa, and any other media that have been closed, as well as the suspension of any other form of censorship.

(2) We declare ourselves in favor of the rights of freedom of conscience and free movement within and outside the country, and we condemn any form of violation of these rights.

(3) We support the validity of the human rights recognized in the Universal Declaration of Human Rights and in other international and national legal instruments, and we condemn any restriction of these rights.

(4) We recognize the commentary on the draft constitution submitted at the first "National Legal Forum" as the basis for future analyses of this draft text.

(5) We call for the elimination of barriers to our free and honest exercise of the profession of lawyer in defense of the legitimate personal and collective interests of our national community.

(6) We reject the politicizing of the academic study plans used at our universities for a career in law.

(7) We demand the release of our colleague, Dr. Carlos Bayardo Romero, who has been unjustly detained.

(8) In conclusion:

- Justice for all under every circumstance does not exist in Nicaragua;

- We maintain our firm and civic-minded position to seek for Nicaragua the best socio-political solution that enables all to live under a true state of law.

Barra de Abogados de Nicaragua